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NOTIFICATION.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Raj Pramukh, is hereby published for general information.

By order of His Highness
the Raj Pramukh,

Government Secretariat,
Law Department,
Trivandrum, 2nd December 1950.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ACT XXXIII OF 1950.

THE TRAVANCORE-COCHIN GOVERNMENT LAND ASSIGNMENT ACT.

An Act to provide for the assignment of Government lands.

Preamble. Whereas it is expedient to regulate the assignment of Government lands and to remove any doubt as to the validity of limitations and restrictions imposed upon land assigned by Government or under their authority ;

It is hereby enacted as follows: —

1. (1) This Act may be called the Travancore-Cochin Government Land Assignment Act, 1950.

Short title, extent and commencement.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force at once.

2. (1) All public roads, streets, lanes and paths, the bridges, ditches, dykes and fences on or beside the same;

Definitions.

the bed of the sea and of harbours and creeks below high water-mark; the beds and banks of rivers, streams, irrigation and drainage channels;

canals, tanks, lakes, back-waters and water-courses;
and all lands wherever situated;
save in so far as the same are the property of—

(a) proprietors of Edavagais or Jenmis or holders of Inams; or
(b) all holders of land in any way subject to the payment of land revenue to the Government; or
(c) any other registered holder of land in proprietary right;
(d) any person holding land under grant from the Government otherwise than by way of lease or licence; or
(e) any person claiming through or holding under any of the persons referred to in clauses (a), (b), (c) or (d);

are, and are hereby declared to be, Government lands, except as may be otherwise provided by any law for the time being in force subject to all rights of way and other public rights and to the natural and easement rights of other land owners and to all customary rights legally subsisting.

Explanation I.—Lands registered in the name of a person but subsequently abandoned or relinquished and all lands held by right of escheat, purchase, resumption, reversion or acquisition under the Land Acquisition Act for the time being in force are Government lands within the meaning of this Section.

Explanation II.—In this Section, the expression 'high-water mark' means the highest point reached by the ordinary spring-tide at any season of the year.

(2) 'Assignment' includes a transfer of land by way of lease.

(3) 'Assignee' includes his heirs.

(4) 'Prescribed' means prescribed by rules made under this Act.

3. Government land may be assigned by the Government or by any prescribed authority either absolutely or subject to such restrictions, limitations and conditions as may be prescribed.

Assignment of Government land.

Explanation.—Any restriction as to alienation, whether voluntary or otherwise, of the rights of the assignee is within the meaning of this Section.

4. (1) When any Government land is proposed to be assigned, the Tahsildar of the Taluk in which the land is situate or any officer empowered by the Government in this behalf shall notify in the prescribed manner that such land will, by public auction or otherwise, be assigned, and call upon those who have got any claim to such land to prefer to him their objections if any, in writing, within a time to be fixed by such notification.

Procedure to be followed before Government lands are assigned.

(2) If any objection is preferred within the time fixed in the notification, the Tahsildar or such other officer shall enquire into such claims and pass an order in writing either accepting or rejecting the claim and intimate in writing the fact of such disposal to the claimant.

(3) For the purposes of enquiry under sub-section (1) the officer making the enquiry shall have all the powers conferred upon Collectors and Tahsildars by the Law for the time being in force regarding summoning of persons for disposal of matters connected with revenue administration.

5. (a) When the time fixed in the notification under Section 4 has elapsed and no claim has been preferred; or

Order of assignment.

(b) when the claim is rejected—

(i) and the time for appealing from the order has elapsed and no appeal has been preferred; or

(ii) when an appeal has been preferred and the appeal is rejected by the appellate authority;

the land may, subject to such rules as may be framed by the Government, in this behalf, be assigned by the prescribed authority.

6. No suit against Government shall be entertained in any Civil Court in respect of any order passed under this Act except upon the ground that—

Bar of suit.

(a) the order is in breach of any completed agreement to assign, or

(b) the land in respect of which such order has been passed is not a Government land:

Provided that any such suit by a person who was a party or privy to and had due notice of the proceeding under this Act shall be instituted within two years from the date of service of the notice of such order.

7. (1) The Government may make rules—

Rules.

(a) prescribing the manner in which assignment of land may be made whether by public auction or otherwise;

(b) prescribing the authority by which such assignments may be made;

(c) prescribing the procedure to be followed in assigning the land;

(d) providing for the publication of notifications and service of notices;

(e) prescribing the procedure to be followed in enquiry regarding claims preferred;

(f) prescribing the rates at which the land may be assigned and the rates at which tree-growths may be valued;

(g) providing for the protection of royalties on the land assigned ;

(h) prescribing the restrictions, limitations and conditions subject to which an assignment could be made in any case or class of cases ;

(i) providing for appeals from the orders of any authority competent to assign any land ;

(j) prescribing the time within which appeals ought to be preferred ;

(k) regulating the powers of the appellate authority and the procedure to be followed by such authority ;

(l) providing for revision by the Board of Revenue of any order passed by the prescribed authority, and the time within which such revisional power may be exercised ;

(m) regulating the issue of Pattah or other title deed evidencing the assignment ;

(n) prescribing Forms where Forms are necessary ; and

(o) generally for carrying out the purposes of this Act.

(2) All rules made under this Act shall be published in the Gazette and thereupon they shall have the force of law.

(3) All rules made under this Act shall be laid for not less than seven days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid.

Assignment to take effect with restrictions, conditions etc. according to their tenor.

8. All provisions, restrictions, conditions and limitations over, contained in any Pattah or other document evidencing an assignment of Government land or any interest therein, shall be valid and take effect according to their tenor, any rule of law, statute, enactment or usage to the contrary notwithstanding.

Repeal.

9. The Government Land Assignment Act, III of 1097 (Travancore) and the Government Land Grants Act, IX of 1115 (Cochin) are hereby repealed.

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